

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA	:	CRIMINAL NO. JKB-11-426
	:	
v.	:	
	:	
DONTE BERNARD BAKER,	:	(Conspiracy to Participate in a
a/k/a Tay,	:	Racketeering Enterprise, 18 U.S.C.
a/k/a Donnie,	:	§ 1962(d); Conspiracy to Commit Murder
	:	in Aid of Racketeering, 18 U.S.C. §
TYRONE JOHNIKEN,	:	1959(a)(5); Conspiracy to Distribute and
a/k/a Hassan Muhammed,	:	Possess with Intent to Distribute
a/k/a Roland,	:	Controlled Substances, 21 U.S.C. § 846;
	:	Possession of a Firearm in Furtherance of
GARY THENOR CROMARTIE,	:	a Drug-Trafficking Offense, 18 U.S.C. §
a/k/a Miami,	:	924(c); Aiding and Abetting, 18 U.S.C. §
	:	2)
and	:	
	:	
MONICA McCANTS,	:	
a/k/a Money,	:	
	:	
Defendants.	:	
	:	

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SUPERSEDING INDICTMENT

COUNT ONE

(Conspiracy to Participate in Racketeering Activity)

The Grand Jury for the District of Maryland charges that:

Introduction

1. The McCants-Baker organization is a narcotics-distribution organization that operated on "the Block," a stretch of Baltimore Street in Baltimore, Maryland. MONICA McCANTS, a/k/a "Money," and her son DONTE BERNARD BAKER, a/k/a "Tay," a/k/a "Donnie," the leaders of the organization, were responsible for obtaining the organization's

supply of drugs. **McCANTS** and **BAKER** distributed these drugs to lower-tier members of the organization in "packs," which often contained an equal number of heroin and cocaine base (more commonly known as crack cocaine) units and contained a total of 10, 20, or 60 pills or vials. These lower-tier members, including **TYRONE JOHNIKEN, a/k/a "Hassan Muhammed," a/k/a "Roland,"** and **GARY THENOR CROMARTIE, a/k/a "Miami,"** sold the heroin and crack cocaine to "runners" (who provided the drugs to users) and drug users. The profits from these sales were subsequently given to **McCANTS** and/or **BAKER**, who compensated the lower-tier members of the organization for making these sales.

2. Members and associates of the McCants-Baker organization protected themselves, the organization, and their control of the drug trade in the area of the Block through violence and intimidation.

3. One such act of violence was the December 12, 2010 murder of Cherrie Gammon.

4. At all times relevant to this Superseding Indictment, the McCants-Baker organization operated in Baltimore, Maryland.

The Racketeering Enterprise

5. The McCants-Baker organization, including its leadership, members and associates, constituted an "enterprise" as defined in Section 1961(4) of Title 18, United States Code, that is, a group of individuals associated in fact that engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for the common purpose of achieving the objectives of the enterprise.

Purposes of the Enterprise

6. The purposes of the enterprise included the following:

- a. Preserving and protecting the power, territory, and profits of the enterprise through the use of violence, threats of violence, intimidation, robbery, narcotics trafficking, retaliation against witnesses, and obstruction of justice;
- b. Promoting and enhancing the enterprise and its members' and associates' activities through the use of violence, threats of violence, intimidation, robbery, narcotics trafficking, retaliation against witnesses, and obstruction of justice;
- c. Keeping victims and potential victims in fear of the enterprise and in fear of its members and associates, through violence and threats of violence;
- d. Generating financial profits for the furtherance of the enterprise in Maryland; and
- e. Providing assistance to members of the enterprise who committed crimes for and on behalf of the enterprise in order to hinder, obstruct, and prevent law enforcement officers from identifying the offenders, apprehending the offenders, and trying and punishing the offenders.

The Racketeering Conspiracy

7. Beginning on a date unknown to the Grand Jury, but at least in or about January 2008, and continuing through the date of this Superseding Indictment, in the District of Maryland, the defendants,

DONTE BERNARD BAKER,
a/k/a Tay,
a/k/a Donnie,
TYRONE JOHNIKEN,
a/k/a Hassan Muhammed,
a/k/a Roland,
GARY THENOR CROMARTIE,
a/k/a Miami,
and
MONICA McCANTS,

a/k/a Money,

each being a person employed by and associated with the McCants-Baker organization, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, together with others known and unknown to the Grand Jury, did knowingly and intentionally conspire to conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, as defined in Sections 1961(1) and (5) of Title 18, United States Code, which pattern of racketeering activity consisted of multiple acts involving narcotics trafficking, indictable under 21 U.S.C. §§ 841 and 846 and 18 U.S.C. § 2, and murder in violation of Maryland Code, Criminal Law § 2-201, Maryland Code, Criminal Law § 1-203, and the common law of Maryland and punishable pursuant to Maryland Code, Criminal Law § 2-201 and Maryland Code, Criminal Law § 1-202.

8. It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

Manner and Means of the Conspiracy

9. Among the manner and means by which the defendants and others conducted and participated in the conduct of the conspiracy were the following:

- a. Members and associates of the McCants-Baker organization distributed heroin and cocaine base to customers in the area of Baltimore, Maryland, known as "the Block."
- b. Members and associates of the McCants-Baker organization used the proceeds of the sale of narcotics to enrich themselves and to further the activities of the organization, including narcotics trafficking.
- c. Members and associates of the McCants-Baker organization committed and caused to be committed acts of violence in furtherance of the organization's activities.

including robberies and the murder of Cherrie Gammon.

Overt Acts

10. Between in or about January 2008 and the date of this Superseding Indictment, **BAKER, JOHNIKEN, CROMARTIE**, and **McCANTS** distributed and possessed with intent to distribute heroin and cocaine base in the area of the Block on behalf of the McCants-Baker organization on numerous occasions, including but not limited to those set forth below.

11. On or about January 16, 2008, **McCANTS** possessed drug proceeds and drug paraphernalia, and **BAKER** possessed ammunition, drug proceeds, and drug paraphernalia and possessed with intent to distribute a quantity of cocaine base.

12. On or about May 14, 2008, **McCANTS** possessed drug proceeds and possessed with intent to distribute a quantity of heroin and cocaine base.

13. On or about July 2, 2009, **BAKER** and **JOHNIKEN** possessed with intent to distribute a quantity of heroin, and **JOHNIKEN** assaulted a police officer.

14. On or about April 5, 2010, **BAKER** possessed with intent to distribute a quantity of cocaine base.

15. On or about June 24, 2010, **CROMARTIE** possessed with intent to distribute a quantity of heroin.

16. On or about October 21, 2010, **McCANTS** possessed with intent to distribute a quantity of heroin and a quantity of cocaine base.

17. On or about November 10, 2010, M.W. distributed and possessed with intent to distribute heroin and cocaine base on behalf of the McCants-Baker organization.

18. In or about November 2010, **BAKER** collected money from drug sales in order to bail **McCANTS** out of jail.

19. On or about November 22, 2010, **JOHNIKEN** possessed with intent to distribute a quantity of heroin.

20. On or about November 25, 2010, **McCANTS** instructed **BAKER** to assault Gammon in order to ensure that Gammon provided the McCants-Baker organization with the expected amount of drug proceeds.

21. On or about December 12, 2010, Gammon was driven to the area of Leon Day Park in Baltimore, Maryland, where she was murdered by **BAKER**, **JOHNIKEN**, and **CROMARTIE**.

22. On or about December 12, 2010, **CROMARTIE** contacted one or more individuals to inform them that he had narcotics for sale.

23. On or about December 12, 2010, **BAKER** discontinued service on the telephone that he had been using and activated a different telephone.

24. On or about December 27, 2010, **BAKER** possessed a Smith & Wesson .357 Magnum revolver bearing serial number BJJ5148 and an Enterprise Arms .308 Winchester semi-automatic rifle bearing serial number 225991 with a clip containing 7.62 mm rounds. **BAKER** also possessed vial tops and glass vials that he intended to use in connection with the distribution of narcotics.

25. In a telephone call on or about December 30, 2010, **BAKER** and **McCANTS** discussed how someone had probably informed law enforcement that Gammon owed money to **BAKER** over a pack. **McCANTS** stated that law enforcement probably learned that from her -- in other words, from Gammon.

26. In or about January 2011, **BAKER** instructed C.H. to check a particular box. On January 10, 2011, C.H. told Baker that the box had been opened and that there were "hella bullets

in it.”

Special Sentencing Factors

27. In the course of committing the racketeering violation set forth above, the defendants, **DONTE BERNARD BAKER, TYRONE JOHNIKEN, GARY THENOR CROMARTIE**, and **MONICA McCANTS**, did knowingly and willfully combine, conspire, confederate, and agree with each other and with others known and unknown to the Grand Jury to knowingly, intentionally, and unlawfully distribute and possess with intent to distribute one kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, and 280 grams or more of a mixture or substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(i), (iii), and 846.

28. In the course of committing the racketeering violation set forth above, **DONTE BERNARD BAKER, TYRONE JOHNIKEN**, and **GARY THENOR CROMARTIE**, defendants herein, conspired and agreed, with each other and with others unknown to the Grand Jury, to knowingly and intentionally murder Cherrie Gammon, in violation of Maryland Code, Criminal Law § 2-201, Maryland Code, Criminal Law § 1-203, and the common law of Maryland and punishable pursuant to Maryland Code, Criminal Law § 1-201 and Maryland Code, Criminal Law § 1-202.

18 U.S.C. § 1962(d)

COUNT TWO

(Conspiracy to Commit Murder in Aid of Racketeering)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 6 and 9 through 26 of Count One of this Superseding Indictment are incorporated herein.
2. The McCants-Baker organization, including its leadership, members, and associates, constituted an enterprise, as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact which engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.
3. The McCants-Baker organization engaged in racketeering activity, through its members and associates, as defined in Sections 1959(b)(1) and 1961(1), namely narcotics trafficking in violation of Title 21, United States Code, Sections 841 and 846.
4. On or about December 12, 2010, in the District of Maryland, for the purpose of maintaining and increasing position in the McCants-Baker organization, an enterprise engaged in racketeering activity,

DONTE BERNARD BAKER,
a/k/a Tay,
a/k/a Donnie,
TYRONE JOHNIKEN,
a/k/a Hassan Muhammed,
a/k/a Roland,
and
GARY THENOR CROMARTIE,
a/k/a Miami,

defendants herein, conspired and agreed, with each other and with others known and unknown to the Grand Jury, to knowingly and intentionally murder Cherrie Gammon, in violation of Maryland Code, Criminal Law § 2-201, Maryland Code, Criminal Law § 1-203, and the common law of Maryland and punishable pursuant to Maryland Code, Criminal Law § 1-201 and Maryland Code, Criminal Law § 1-202.

18 U.S.C. § 1959(a)(5).

COUNT THREE

(Conspiracy to Distribute and Possess with Intent to Distribute Narcotics)

The Grand Jury for the District of Maryland further charges that:

Beginning on a date unknown to the Grand Jury, but at least in or about January 2008, and continuing through the date of this Superseding Indictment, in the District of Maryland, the defendants,

DONTE BERNARD BAKER,
a/k/a Tay,
a/k/a Donnie,
TYRONE JOHNIKEN,
a/k/a Hassan Muhammed,
a/k/a Roland,
GARY THENOR CROMARTIE,
a/k/a Miami,
and
MONICA McCANTS,
a/k/a Money,

did knowingly and willfully combine, conspire, confederate, and agree with each other and with others known and unknown to the Grand Jury to knowingly, intentionally, and unlawfully distribute and possess with intent to distribute one kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, and 280 grams or more of a mixture or substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

OVERT ACTS

During the course and in furtherance of the conspiracy, and to effect the objects thereof, at least one of the coconspirators committed overt acts in the District of Maryland, including the overt acts set forth in Paragraphs 1 through 6 and 9 through 26 of Count One of this Superseding Indictment, which are incorporated herein.

21 U.S.C. § 846

COUNT FOUR

(Possession of a Firearm in Furtherance of a Drug-Trafficking Crime)

The Grand Jury for the District of Maryland further charges that:

On or about December 27, 2010, in the District of Maryland,

DONTE BERNARD BAKER,

a/k/a Tay,

a/k/a Donnie,

a defendant herein, did knowingly possess firearms, specifically a Smith & Wesson .357 Magnum revolver bearing serial number BJJ5148 and an Enterprise Arms .308 Winchester semi-automatic rifle bearing serial number 225991, in furtherance of the following drug-trafficking crime for which he may be prosecuted in a court of the United States: conspiracy to knowingly, intentionally, and unlawfully distribute and possess with intent to distribute one kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, and 280 grams or more of a mixture or substance containing a detectable amount of cocaine base, a Schedule II controlled substance, as alleged in Count Three of this Superseding Indictment.

18 U.S.C. § 924(c)

18 U.S.C. § 2

FORFEITURE

The Grand Jury further finds that:

1. Upon conviction of the controlled substance offense alleged in Count Three of this Superseding Indictment, the defendants shall forfeit to the United States of America any property constituting or derived from, proceeds obtained, directly or indirectly, as a result of, and any property used, or intended to be used, in any manner or part to commit or facilitate, the commission of such violation.

2. If any of the property described above, as a result of any act or omission of a defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property.

3. As a result of the offense set forth in Count Four of this Superseding Indictment, **DONTE BERNARD BAKER**, a defendant herein, shall forfeit to the United States the firearms identified in Count Four and involved in that offense.

21 U.S.C. § 853; 28 U.S.C. § 2461(c); Rule 32.2(a), Fed. R. Crim. Proc.; 18 U.S.C. § 924(d).

Rod J. Rosenstein
United States Attorney

A TRUE BILL:

Foreperson

Date: _____